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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,968	08/10/2006	Ryuichi Okamoto	2006_1217A	4029

52349 7590 02/11/2009

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EXAMINER	
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ART UNIT	PAPER NUMBER
2427	

MAIL DATE	DELIVERY MODE
02/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/588,968	OKAMOTO ET AL.	
	Examiner	Art Unit	
	Alexander Q. Huerta	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 6-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,and 6-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 6-13 have been considered but are moot in view of the new ground(s) of rejection.

On page 13 of the Applicant's Response, applicants argue that Bonomi does not disclose a "second application program for reproducing the content in a non-member operation mode." Applicants further note that the program guide of Bonomi is merely data that is delivered from the media center and thus not an "application program."

With regard to applicant's arguments, the examiner respectfully disagrees because Bonomi discloses that the program guide 520 is downloaded to the client machine. The program guide is the interface itself not simply just the data within the program guide which displays currently available and further upcoming television programs. The interface is the application program that enables users to interact with their television (Col. 18 lines 23-25, Col. 33 lines 1-8, Col. 34 lines 20-40, Fig. 15C). Thus, Bonomi meets the limitation of a "second application program".

On page 14 of the Applicant's Response, applicants argue that Bonomi's determination as to whether or not a user is a subscriber does not require a selection of one of a first application program and a second application program.

With regard to applicant's arguments, the examiner respectfully disagrees because Bonomi teaches that the program guide displays channels that are relevant to the user based on whether the user is a subscriber to those channels or not. The determination as to whether the user is a subscriber to premium channels or not

determines the version of the program guide selected to be displayed to the user, thereby creating an application program for members-only (i.e. program guide displaying premium channels) in a members-only mode and an application program for non-members (i.e. program guide without displaying premium channels) in a non-member mode. Furthermore, the claim language does not require the first and second applications to necessarily be distinct, separate applications as opposed to a single application with different configurations as consistent with applicant's specification (see [0081]-[0082], further exhibited in Fig. 1).

Therefore, Bonomi meets the limitation of "...a first application program for reproducing content in a members-only operation mode; ...a second application program for reproducing the content in a non-member operation mode; a selection unit operable to select one of the first application program and the second application program..."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (US Pub. **2003/0065957**) in view of Bonomi et al. (US Pat. **6,769,127**),

and in further view of Kikinis (US Pub. **2002/0129370**), herein referenced as Tsuji, Bonomi, and Kikinis, respectively.

Regarding **claim 1**, Tsuji discloses "a content reproduction terminal (descramble module 200) for reproducing content, the content reproduction terminal comprising: a terminal body; and a secure device (IC card 100) to be placed in said terminal body ([0074], i.e. the IC card is inserted into the descramble module), wherein said secure device includes a membership information hold unit operable to hold membership information which is distributed to a membership user and indicates a group to which the user belongs" ([0076], [0091], [0106]-[0107], i.e. the IC card stores registrant information which is used to verify who the user is and if they are authorized to view pay television), and

"said terminal body includes: an operation mode setting unit (descramble key unit 260) operable to set an operation mode on the basis of the membership information held by said membership information hold unit" ([0082], Fig. 2, i.e. the descramble key input unit makes a determination as to whether nor a valid descramble key was entered thus authorizing a subscriber to view a pay channel).

Tsuji fails to explicitly disclose that "a reproduction unit operable to reproduce the content differently depending on a setting result given by said operation mode setting unit, said reproduction unit includes: a first storage unit operable to store a first application program for reproducing the content in a members-only operation mode; a second storage unit operable to store a second application program for reproducing the content in a non member operation mode; a selection unit operable to select one of the

first application program and the second application program in accordance with the setting result; and an execution unit operable to execute the application program selected by the selection unit to reproduce the content, wherein the first application program is operable to cause said execution unit to execute a members-only decorative display."

Bonomi discloses that "...reproduc[ing] the content (program guide) differently depending on the setting result given by said operation mode setting unit" [Col. 34 lines 20-40, Fig. 15C, i.e. the program guide displays only channels that the user is subscribed to], said reproduction unit includes: ...a first application program (program guide with premium channels) for reproducing the content in a members-only operation mode; ...a second application program (program guide without premium channels) for reproducing the content in a non member operation mode" (Col. 18 lines 23-25, Col. 33 lines 1-8, Col. 34 lines 20-40, Figs. 2B, 15C, i.e. the program guide is downloaded to the client machine, which would require a storage unit to hold the program guide data in the client machine)

"a selection unit operable to select one of the first application program and the second application program in accordance with the setting result (Col. 34 lines 20-40, Fig. 15C, i.e. one of ordinary skill in the art would recognize that the reproduction unit would have a selection unit to make a determination as to whether or not the user is a subscriber of premium channels so that the program guide can be adjusted accordingly); and an execution unit operable to execute the application program selected by the selection unit to reproduce the content (Col. 34 lines 20-40, Col. 38 lines

6-9, i.e. it would be obvious that Bonomi would have a processor to facilitate the execution of implementing the custom program guide), wherein the first application program is operable to cause said execution unit to execute a members-only decorative display." (Col. 34 lines 20-40, Fig. 15C).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of including reproducing content differently depending on a setting result, a first and second storage unit, a selection unit, and an execution unit as taught by Bonomi, to improve the pay television IC card system of Tsuji for the predictable result of filtering the program guide so that only channels available to the subscriber are displayed thereby producing a more relevant program guide.

The combination of Tsuji and Bonomi still fail to explicitly disclose "a first storage unit …[and] a second storage unit…"

Kikinis discloses "a first storage unit …[and] a second storage unit..."([0005], [0017], i.e. Kikinis teaches the technique of using a plurality of storage areas to store EPG data. Each storage area stores programming information related in accordance with a predefined criterion). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Tsuji and Bonomi by specifically providing a first and second storage unit for storing EPG data, as taught by Kikinis, for the purpose of more efficiently manipulating EPG data and reducing processing power for managing and manipulating the EPG data [0004].

Regarding **claim 3**, Tsuji fails to explicitly disclose that "the first application program is further operable to cause said execution unit to execute a members-only graphical user interface display."

Bonomi discloses "the first application program is further operable to cause said execution unit to execute a members-only graphical user interface display" [Col. 34 lines 20-40, Fig. 15C, i.e. subscribers/members are allowed to view channels in the program guide to which they are subscribed]. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of removing unsubscribed channels from the program guide as taught by Bonomi, to improve the IC card system of Nishi for the predictable result of filtering the program guide so that only channel available to the subscriber are displayed thereby producing a more relevant program guide.

Regarding **claim 6**, claim 6 contains all the same limitations as claims 1 and 3. Thus, claim 6 is interpreted and rejected for the reasons set forth above in the rejections of claims 1 and 3.

Regarding **claim 7**, Tsuji discloses that "said terminal body further includes an operation mode inquiry unit (control unit 210) operable to inquire of said secure device about which operation mode is to be selected" ([0072], [0073], [0078], [0086], Fig. 2, i.e. the control unit of the descramble module queries the IC card as to whether the IC card is valid and thus authorized to view premium channels), and said secure device further includes

"an operation mode instruction unit (control unit 110) operable to, when the inquiry is received, decide the operation mode on the basis of the membership

information and to instruct said terminal body to operate in the decided operation mode ([0072], [0073], [0091], Figs, 1, 3, i.e. the control unit of the IC card instructs the descramble module to descramble the program signal on the basis of valid subscriber information), wherein said operation mode setting unit (descramble key unit 260) is operable to set the operation mode on the basis of the instruction as to the operation mode decided by the operation mode instruction unit" ([0082], Fig. 2, i.e. the descramble key input unit makes a determination as to whether or not a valid descramble key was entered thus authorizing a subscriber to view a pay channel).

Regarding **claim 8**, Tsuji discloses "said membership information hold unit is operable to hold a plurality of sets of membership information ([0109], [0110], Fig. 4), and said operation mode instruction unit is operable to, when the inquiry is received, decide the operation mode including a set of membership information that is to be prioritized out of the plurality of sets of membership information" ([0107], [0109], Fig. 4, i.e. in this case the master registrant has a secret code enabling them to view pay channels, therefore giving them a higher authority over the other subscribers without a secret code).

Regarding **claim 9**, Tsuji discloses that "the inquiry includes content information regarding the content to be reproduced ([0072], [0073]), and said operation mode instruction unit is operable to, when the inquiry is received, decide the operation mode including the set of membership information to be prioritized out of the plurality of sets of membership information, on the basis of the content information included in the inquiry"

([0091], [0107], [0109], Figs. 1, 4, i.e. the subscriber with the secret code is authorized to view the pay channel versus subscribers without a secret code).

Regarding **claim 10,** Tsuji discloses that that "said terminal body further includes an operation mode inquiry unit (control unit 210) operable to inquire of said secure device about which operation mode is to be selected ([0072], [0073], [0078], [0086], Fig. 2, i.e. the control unit of the descramble module queries the IC card as to whether the IC card is valid and thus authorized to view premium channels to), and said secure device includes:

"a membership point storage unit (storage unit 120) operable to store a membership point value" (secret identification code 125) given to the user ([0106], [0107], [0123], Fig. 4, 6, i.e. *Merriam Webster's Dictionary* defines a "point" as a distinguishing detail. The secret identification code distinguishes between subscribers, which allow those with the secret code to descramble pay channels);

"a rule storage unit operable to store a rule as to a membership status granted to the user according to the membership point value" ([0127], [0128], Fig. 6, i.e. one of ordinary skill would recognize that Tsuji would have a rule storage unit to compare the user's secret identification code and compare it with a valid code to ensure the user is authorized); and

"an operation mode instruction unit (control unit 210) operable to, when the inquiry is received, decide the operation mode and the membership status on the basis of the membership information, the membership point value, and the rule, and to instruct said terminal body as to the decided operation mode and the decided

membership status ([0072], [0073], [0074], Figs 1-3, 6), wherein said operation mode setting unit (descramble key input unit 260) is operable to set the operation mode on the basis of the instruction as to the operation mode and the membership status decided by the operation mode instruction unit" ([0082], Fig. 2, i.e. the descramble key input unit makes a determination as to whether nor a valid descramble key was entered thus authorizing a subscriber to view a pay channel).

Regarding **claim 11**, Tsuji discloses "that said secure device is an IC card (IC card 100), said terminal body further includes an IC card slot into which said IC card is to be inserted" ([0074], Fig. 1), and wherein said operation mode setting unit (descramble key input unit 260) is operable to set the operation mode on the basis of an insertion state of said IC card with respect to said IC card slot" ([0082], Fig. 2, i.e. the descramble key input unit makes a determination as to whether nor a valid descramble key was entered thus authorizing a subscriber to view a pay channel). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of including an IC card slot as taught by Tsuji, to improve the IC card system of Nishi for the predictable result of enabling the user to insert and connect the IC card with the descramble module so that they may verify that they are authorized to view pay channels.

Regarding **claim 12**, claim 12 contains all the same limitations as claims 1 and 3. Thus, claim 12 is interpreted and rejected for the reasons set forth above in the rejections of claims 1 and 3.

Regarding **claim 13,** claim 13 is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1 and 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Q. Huerta whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 2427

February 6, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427